

REMARKS

This Amendment is in response to the Office Action dated **August 12, 2003**. Each issue is discussed in detail below.

In paragraph 2 of the official action, it is stated that claims 35, 36 and 40-42 were withdrawn by the Examiner and that cancellation of these claims is required.

In response, Applicant has canceled the claims, as indicated above. However, Applicant has added new claims 48-66, which are essentially cancelled claims 11-17, 35-42 and 44-47. The claims are unchanged except for the added limitation that the balloons are "presterilized". Claim 48 also differs from old claim 11 in that the second pressure is required to be above ambient and in that the balloon is subsequently mounted on a catheter. As such, claims 43 and 48-66 are pending in the present case.

§103 Rejection

Claim 43 was rejected under 35 USC §103(a) as being unpatentable over Hamilton et al. (US 5797877) in view of Anderson et al (US 5500180).

Although the Applicant disagrees, claim 43 has been amended to further distinguish it from the cited prior art. Claim 43 has been amended to require that the balloon be a presterilized balloon. Anderson et al. do not disclose such a balloon or method. Their sterilization process is required in achieving the balloon characteristics described in their disclosure. In column 10, starting at line 38, it is stated that "[i]n order to preserve a balloon's distensibility, elastic stress response, wall tensile strength and improved optical clarity, the balloon formed must also be subjected to the novel sterilization process contemplated by the invention." As such, claims 43, as well as newly added claims 48-66, are not obvious in light of the cited references. Withdrawal of the rejection is therefore respectfully requested.

CONCLUSION

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: November 12, 2003

By: 

William E. Anderson II
Registration No.: 37766

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\wea\05902us01_amd_20031112.doc